

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER HIRAM CANO,
Plaintiff,

-against-

CORRECTIONAL OFFICER CHISOLM;
CAPTAIN ROBINSON; CAPTAIN
CHARLES; CORRECTIONAL OFFICER
SANTIAGO; CORRECTIONAL OFFICER
MURRAY; THE CITY OF NEW YORK; and
NEW YORK CITY HEALTH AND
HOSPITALS CORPORATION,
Defendants.

19-cv-1640 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

The case has been pending since February 2019. Dkt. 1. In January 2024, defendants filed a motion for summary judgment. Dkt. No. 196. In March 2024, the Court stayed the case at Cano's request, pending resolution of a 730 Order in Cano's criminal cases. *See* Dkts. 209, 214. The Court then continued the stay because Cano, who was incarcerated, indicated that she was having trouble accessing the materials she needed to prepare her opposition to defendants' summary judgment motion. Dkt. 226. The Court ordered defendants to confer with Cano about the access issues and when the stay could be lifted. Dkt. 228. Cano indicated that she didn't want to discuss lifting the stay until after she was released. Dkt. 235. Cano was released on September 10, 2024. Dkt. 238.

Since then, Cano has fallen out of touch with defendants and the Court. She failed to appear for two conferences with the Court to discuss lifting the stay on the case, the first of which took place shortly after her release on September 13, 2024, and the second of which took place on November 13, 2024. Defendants have unsuccessfully attempted to contact Cano via email and mail at her new address, which is a Best Western hotel.

Now that Cano has been released, the Court is not aware of any reason why this case should remain stayed, so the stay is hereby lifted. Cano's opposition to defendants' motion for summary judgment is due February 27, 2025. On or before that date, Cano must make contact with the Court. She can do so by filing her response to defendants' motion for summary judgment or by filing a letter indicating her intent to proceed with this case.

This case has been pending for five years, and it hasn't progressed at all since defendants filed their motion for summary judgment nearly one year ago. So this is Cano's final chance to proceed with this case. **If Cano does not file anything by February 27, 2025, the case will be dismissed for lack of prosecution.** *See McLean v. City of New York*, 2007 WL 415138, at *4 (S.D.N.Y. Feb. 6, 2007) ("A court should not have to beg the parties before it to litigate the cases they initiate.").

Defendants are hereby ordered to serve a copy of this order on Cano by certified mail and file proof of service on the docket.

SO ORDERED.

Dated: November 13, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge